



2008

**Book Review of Bradin Cormack, A Power to Do Justice:
Jurisdiction, English Literature, and the Rise of Common Law,
1509-1625 (2007)**


Jennifer Locke Davitt
Georgetown University Law Center, jnl8@law.georgetown.edu

© 2008 American Association of Law Libraries

This paper can be downloaded free of charge from:
<https://scholarship.law.georgetown.edu/facpub/578>

100 Law Libr. J. 759-760 (2008) (reviewing Bradin Cormack, A Power to Do Justice: Jurisdiction, English Literature, and the Rise of Common Law, 1509-1625 (2007))

This open-access article is brought to you by the Georgetown Law Library. Posted with permission of the author.
Follow this and additional works at: <https://scholarship.law.georgetown.edu/facpub>

 Part of the [Jurisdiction Commons](#), and the [Law and Society Commons](#)

draft, but also takes the reader through earlier drafts to show Jefferson's thought process. The 143 pages of notes and the bibliography at the end of the book show that this is not a mere diatribe about religious freedom, as the title might suggest, but instead is a product of serious and painstaking research. Charts throughout the book add emphasis to the major points. Overall, I would recommend *Freedom of Religion* because it offers a new perspective on the issue of church and state, regardless of whether, in the end, you agree with Adamson.

Cormack, Bradin. *A Power to Do Justice: Jurisdiction, English Literature, and the Rise of Common Law, 1509–1625*. Chicago: University of Chicago Press. 2007. 406p. \$35.

Reviewed by Jennifer Locke Davitt

¶6 *A Power to Do Justice* by Bradin Cormack is a scholarly work offering a critical examination of several sixteenth-century literary texts. Cormack shows how those texts reflect a shifting understanding of the legal concept of jurisdiction during that period.

¶7 The sixteenth century is generally recognized as a watershed century denoting the end of the medieval period and the beginning of the early modern period in England. It was marked by a consolidation of power in the monarchy and a corresponding reduction in the influence and power of the aristocracy and the Roman Catholic Church. A centralized governing bureaucracy emerged and, with it, a more unified legal system. Prior to the seventeenth century, English common law was seen as “fractured and inconsistent.”⁵ Law was drawn from a number of sources, including customary and canon law, and administered by a variety of courts, often with overlapping jurisdiction.⁶ Cormack therefore views the sixteenth and early seventeenth centuries as a “transitional moment in the development of a national law and a rationalized legal discourse” (p. 27).

¶8 It is against this backdrop that Cormack sets his study. The book is divided into three parts: the centralization of legal authority in England; the concept of English jurisdiction and English legal identity, as defined by and in relation to the jurisdictions of Ireland and France; and the formalization of the law that began in the early seventeenth century. Cormack focuses on the works of John Skelton, Sir Thomas More, Edmund Spenser, and William Shakespeare to “help . . . track for a particular historical moment the cultural usefulness of the discovery that law is constituted . . . as the processing of an unruliness it cannot quite put in order” (p. 21).

¶9 The major works examined by Cormack provide only a basic backbone for the book. Some of the book's more interesting elements are in the form of substantial asides, delving into lesser works to elaborate on the concepts being discussed.

5. Richard T. Ford, *Law's Territory (A History of Jurisdiction)*, 97 MICH. L. REV. 843, 881 (1999).

6. *Id.*

For example, the fifth chapter discussing Shakespeare's plays *Cymbeline* and *Pericles* includes a wonderful examination of maps and their symbols and explores generally the idea of royal legal authority and its "geographical, political [and] ontological limits" (p. 291). In another aside, Cormack expands upon *Pericles's* concern with the sea and the limits of sovereign authority by examining an early-seventeenth-century view of the ocean as expressed in maps. Through a series of reproduced maps, Cormack describes and shows the "transformation of a mariner's cartographic tool into a symbol of imperial sovereignty" (p. 274). Another particularly interesting aside includes a study of law French and its implications for English identity (chapter 4).

¶10 Cormack is Professor of English at the University of Chicago, and the book, while dissecting a legal concept, is a work of literary criticism. For someone not trained in literary criticism or theory, this was not an easy book to read.⁷ The language is dense, and many of the passages presume familiarity with the texts being discussed and the scope of each author's work. In addition, Cormack quotes liberally from the original texts, thus necessitating a facility with the vernacular.

¶11 Beyond the acknowledged hindrance of my own deficiencies, the book has some difficulties of its own. Chapters read more like independent essays than building blocks to a complete understanding of a central thesis. The structure of many of the chapters was also loose, and I often found myself ten to fifteen pages into a chapter before understanding its theme or purpose.

¶12 Despite its limitations, this book would be a worthwhile addition to academic law library collections. It brings together in an informed and well-researched package two disciplines that have much to learn from each other. While not a book to consult for the basics of the development of English law and jurisdiction, *A Power to Do Justice* nonetheless illuminates new dimensions of the law of this period for the already knowledgeable reader.

Ewing, Charles Patrick. *Insanity: Murder, Madness, and the Law*. New York: Oxford University Press, 2008. 224p. \$35.

Reviewed by Jill Fukunaga

¶13 In 1969, thirty-year-old George Fitzsimmons karate-chopped his parents to death in their suburban home in Buffalo, New York. Following a bench trial, the judge found Fitzsimmons not guilty by reason of insanity and ordered him committed to an institution until he no longer posed a danger to himself or others. After spending just thirty-four months in the Buffalo State Hospital, he was released. Within months, Fitzsimmons was arrested for aggravated assault and battery of his new wife and, while awaiting sentencing for his conviction, stabbed his elderly uncle and aunt to death in an argument over a television program.

7. More accessible works on this period are available in C.J. Sansom's Matthew Shardlake mystery series, which offers insight into the practice of law in Tudor England. See, e.g., C.J. SANSOM, *DISSOLUTION* (2003).